

3. This Court has personal jurisdiction over Plaintiff and Defendant in this matter pursuant to Section 506.500 of the Missouri Revised Statutes.

4. This Court has subject matter jurisdiction in this matter.

5. Venue is proper per Section 508.010 of the Missouri Revised Statutes.

FACTS COMMON TO ALL COUNTS

6. On December 16, 2019, Plaintiff was a resident of the Building when she was walking in the apartment complex parking lot and slipped on black ice, thereby causing Plaintiff to fall on the pavement and suffer injury (hereinafter “the Incident”).

7. The area in which Plaintiff fell had no warnings or signage posted just prior to her fall.

8. At all relevant times hereto, the Incident site presented an unsafe condition and was not reasonably safe as a result of one or more of the following: the aforementioned black ice; the lack of warning; or other reasons not known at this time.

9. Plaintiff was unaware of the unsafe condition before falling at the Incident site.

10. The unsafe, hazardous condition was not apparent to a reasonable person, so that said condition was neither open, obvious, known, or appreciated by Plaintiff.

11. The acts and omissions of Defendant were carried out by its agents, servants, and employees acting within the course and scope of their employment with Defendant.

COUNT I - NEGLIGENCE

12. Plaintiff hereby incorporates by reference all preceding allegations of the Petition for Damages as if fully set forth herein.

13. At all relevant times herein, Defendant was the owner of the Premises and/or maintained possession, control, and/or maintenance of the Premises where the Incident occurred.

14. Defendant owed a duty to exercise reasonable care to ensure that the Premises were

in a reasonably safe and suitable condition for residents, including Plaintiff.

15. At the time of the Incident, the area where the Incident occurred constituted a dangerous condition.

16. Defendant knew, or should have known, through the exercise of reasonable care that the condition of the Premises at the date and time of the Incident was unreasonably dangerous.

17. Alternatively, Defendant negligently created the dangerous condition or so caused it to be created by negligently maintaining the Premises, such that Defendant was deemed to have had actual notice of said dangerous condition.

18. Defendant breached its duty to Plaintiff when it failed to keep the Premises in a condition that was reasonably safe for Plaintiff and other residents, and further by failing to remedy or warn Plaintiff of said dangerous condition.

19. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff was injured and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- a. Past medical and hospital expenses;
- b. Future medical, hospital and life care expenses;
- c. Past lost wages;
- d. Diminished earning capacity;
- e. Past and future emotional distress;
- f. Pain and suffering;
- g. Mental anguish;
- h. Disfigurement; and
- i. Past and future loss of enjoyment of life.

20. All of Plaintiff's injuries, disabilities, infirmities, and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant in excess of \$25,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all counts and claims in this cause of action.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson

DAVID L. JOHNSON #61867

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: dave.johnson@dmlawusa.com

ATTORNEY FOR PLAINTIFF

SHERRY PHELPS)	
3100 Quail Creek Drive)	
Independence, Mo 64055)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
CEDAR BROOK APARTMENTS, LLC)	
(d/b/a CEDAR BROOKE APARTMENTS))	Division
Serve:)	
Sandra K. Lee, Registered Agent)	
696 N. Lafitte Drive)	
Bonne Terre, MO 63628)	
)	
Defendant.)	

MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER

COMES NOW Plaintiff by and through counsel, and pursuant to Local Rule 4.9 of Jackson County Court Rules, hereby moves for the appointment of KC Progressive and Hulver & Associates, LLC:

Joseph Powers	PPS22-0207
Lily Powers	PPS22-0208
Deborah Martin	PPS22-0175
Jessica Coffel	PPS22-0131
Michael Martin	PPS22-0176
Michael Imber	PPS22-0162
Michael Puderbaugh	PPS22-0330
Benjamin Cameron	PPS22-0533
Scott Cameron	PPS22-0534
Miles Troxel	PPS22-0234
Marybeth Rice	PPS22-0211
Richard Raymond	PPS22-0209
Tyler Miler	PPS22-0318
McKenna Howe	PPS22-0295
Rufus Harmon	PPS22-0031
Cody Kyser	PPS22-0049
Alisha Allen	PPS22-0001

Greg Hulver	PPS22-0041
Valerie Summer	PPS22-0232
Rick Swank	PPS22-0526
Conni Wilson	PPS22-0107
Scott Wiechmann	PPS22-0362
Michael E. Smith	PPS22-0561
Rufus Harmon	PPS22-0031
James Hise	PP22-0294

as private process servers in the above-captioned matter. In support of said motion, Plaintiff states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson

DAVID L. JOHNSON #26685

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: dave.johnson@dmlawusa.com

ATTORNEYS FOR PLAINTIFF

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: _____

Judge or Circuit Clerk

V.

Case No.

(d/b/a CEDAR BROOKE APARTMENTS)

Division

Serve:

Sandra K. Lee, Registered Agent

696 N. Lafitte Drive

Bonne Terre, MO 63628

Defendant.

Greg Hulver	PPS22-0041
Valerie Summer	PPS22-0232
Rick Swank	PPS22-0526
Conni Wilson	PPS22-0107
Scott Wiechmann	PPS22-0362
Michael E. Smith	PPS22-0561
Rufus Harmon	PPS22-0031
James Hise	PP22-0294

as private process servers in the above-captioned matter. In support of said motion, Plaintiff states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson

DAVID L. JOHNSON #26685

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

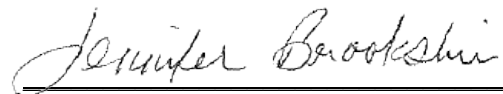
E-mail: dave.johnson@dmlawusa.com

ATTORNEYS FOR PLAINTIFF

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: 05-May-2022



DEPUTY COURT ADMINISTRATOR

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

SHERRY PHELPS,

PLAINTIFF(S),
VS.

CASE NO. 2216-CV09707
DIVISION 4

CEDAR BROOK APARTMENTS, LLC,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JUSTINE E DEL MURO** on **09-SEP-2022** in **DIVISION 4** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ JUSTINE E DEL MURO
JUSTINE E DEL MURO, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

DAVID LAWRENCE JOHNSON, 4050 PENNSYLVANIA AVE, SUITE 121, KANSAS CITY, MO 64111

Defendant(s):

CEDAR BROOK APARTMENTS, LLC

Dated: **05-MAY-2022**

MARY A. MARQUEZ
Court Administrator



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **CEDAR BROOK APARTMENTS, LLC**

Alias:

DBA: CEDAR BROOKE APARTMENTS

SERVE REGISTERED AGENT:

SANDRA K. LEE

696 N. LAFITTE DRIVE

BONNE TERRE, MO 63628

COURT SEAL OF



JACKSON COUNTY

PRIVATE PROCESS SERVER

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

05-MAY-2022

Date

[Signature]
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to _____

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

(Seal)

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

COURT: IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI AT KANSAS CITY		FOR COURT USE ONLY
PLAINTIFF/PETITIONER: SHERRY PHELPS		
DEFENDANT/RESPONDENT: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS		
AFFIDAVIT OF NON-SERVICE		CASE NUMBER: 2216-CV09707

Court Date: Court Time:
**CEDAR BROOK APARTMENTS, LLC AKA DBA: CEDAR
BROOKE APARTMENTS**




I, **Joseph M. Powers**, depose and say that:

On **06/05/2022** at **3:17 PM**, I was unable to serve the within **SUMMONS IN CIVIL CASE; PETITION FOR DAMAGES; MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER ADN ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER** on **CEDAR BROOK APARTMENTS, LLC AKA DBA: CEDAR BROOKE APARTMENTS** at **696 N. LAFITTE DRIVE, BONNE TERRE, MO, 63628** for the reason(s) in the comments below:

Comments: **ADDRESS IS A RESIDENTIAL LOCATION. CURRENT RESIDENTS BOUGHT THE HOUSE LAST YEAR.**

Signed and sworn to before me on
this 5th day of June, 2022.


Abby Powers- Public Notary

X 
Joseph M. Powers
816-912-3070
License(s): PPS22-0207
Job#: **82821**

ID# 22-SMCC-3568





IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

<p>The State of Missouri to: CEDAR BROOK APARTMENTS, LLC Alias: DBA: CEDAR BROOKE APARTMENTS</p> <p>SERVE REGISTERED AGENT: SANDRA K. LEE 696 N. LAFITTE DRIVE BONNE TERRE, MO 63628</p> <p>COURT SEAL OF  JACKSON COUNTY</p>	<p>PRIVATE PROCESS SERVER</p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p><u>05-MAY-2022</u> Date</p> <p>_____ Clerk</p> <p>Further Information:</p>
---	--

<p>Sheriff's or Server's Return</p> <p>Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.</p> <p>I certify that I have served the above Summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and petition to the defendant/respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____.</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p>(Seal) Must be sworn before a notary public if not served by an authorized officer:</p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public</p>	
--	--

<p>Sheriff's Fees</p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ _____</p> <p>Supplemental Surcharge \$ <u>10.00</u></p> <p>Mileage \$ _____ (_____ miles @ \$ _____ per mile)</p> <p>Total \$ _____</p> <p>A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	
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IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY☐ AT INDEPENDENCE

SHERRY PHELPS

NO. 2216-CV07907

VS.

☒ CIRCUIT JUDGE☐ ASSOCIATE CIRCUIT JUDGE☐ SMALL CLAIMS

CEDAR BROOK APARTMENTS LLC (dba Cedar Brooke Apartments)

MEMORANDUM TO DEPARTMENT OF CIVIL RECORDS
INSTRUCTIONS FOR ALIAS SUMMONS☒ PRIVATE PROCESS☐ CIVIL PROCESS☒ ISSUE ALIAS SUMMONS TO DEFENDANT Cedar Brook Apartments, LLC (d/b/a Cedar Brooke Apartments)

Sandra K. Lee, Registered Agent

1657 Ridgeway Trail, Fenton, MO 63026

St. Louis County

COUNTY OF SERVICE

CASE CONTINUED TO: _____

☐ PREPARE TRANSCRIPT OF JUDGMENT☐ AUTHENTICATED ☐ CERTIFIED ☐ RECORD AS LIEN
☐ W/LETTER**REQUESTED BY**

David L. Johnson #61867

/s/ David L. Johnson

NAME OF ☐ CREDITOR ☒ ATTORNEY & BAR NO.

4500 Pennsylvania Ave., Ste 121

SIGNATURE

816-888-7500

ADDRESS

Kansas City, MO 64111

PHONE

06/10/2022

CITY

STATE

ZIP

DATE

Please Provide Original & Copy

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY

☐ AT INDEPENDENCE

SHERRY PHELPS

NO. 2216-CV07907

VS.

CEDAR BROOK APARTMENTS LLC (dba Cedar Brooke Apartments)

☒ CIRCUIT JUDGE

☐ ASSOCIATE CIRCUIT JUDGE

☐ SMALL CLAIMS

MEMORANDUM TO DEPARTMENT OF CIVIL RECORDS
INSTRUCTIONS FOR ALIAS SUMMONS

☒ PRIVATE PROCESS

☐ CIVIL PROCESS

☒ ISSUE ALIAS SUMMONS TO DEFENDANT Cedar Brook Apartments, LLC (d/b/a Cedar Brooke Apartments)

Sandra K. Lee, Registered Agent

1657 Ridgeway Trail, Fenton, MO 63026

St. Louis County

COUNTY OF SERVICE

CASE CONTINUED TO: _____

☐ PREPARE TRANSCRIPT OF JUDGMENT

☐ AUTHENTICATED ☐ CERTIFIED ☐ RECORD AS LIEN
☐ W/LETTER

REQUESTED BY

David L. Johnson #61867

NAME OF ☐ CREDITOR ☒ ATTORNEY & BAR NO.

4500 Pennsylvania Ave., Ste 121

ADDRESS

Kansas City, MO 64111

CITY

STATE

ZIP

/s/ David L. Johnson

SIGNATURE

816-888-7500

PHONE

06/10/2022

DATE


Please Provide Original & Copy



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

<p>The State of Missouri to: CEDAR BROOK APARTMENTS, LLC Alias: DBA: CEDAR BROOKE APARTMENTS</p> <p>RA: SANDRA K LEE 1657 RIDGEWAY TRAIL FENTON, MO 63026</p> <p>COURT SEAL OF  JACKSON COUNTY</p>	<p>PRIVATE PROCESS SERVER</p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>17-JUN-2022 Date</p> <p>Further Information:</p>
--	---

<p>Sheriff's or Server's Return</p> <p>Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.</p> <p>I certify that I have served the above Summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and petition to the defendant/respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____.</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p>(Seal) Must be sworn before a notary public if not served by an authorized officer:</p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public</p>	
--	--

<p>Sheriff's Fees</p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ 10.00</p> <p>Supplemental Surcharge \$ _____</p> <p>Mileage \$ _____ (_____ miles @ \$._____ per mile)</p> <p>Total \$ _____</p> <p>A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	
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SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

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Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

SHERRY PHELPS)	
)	
Plaintiff,)	
)	
v.)	Case No. 2216-CV09707
)	
CEDAR BROOK APARTMENTS, LLC)	
(d/b/a CEDAR BROOKE APARTMENTS))	Division 4
)	
Defendant.)	

REQUEST FOR ALIAS SUMMONS

To: Clerk of the Court

The Clerk of the Court will issue a Summons for Service of the Petition on: Personal service upon **Defendant Cedar Brook Apartments, LLC (d/b/a Cedar Brooke Apartments), Registered Agent: Paracorp Incorporated, 222 E. Dunklin, Ste. 102, Jefferson City, MO 65101.**

You are hereby instructed to effect service of the Summons as follows:

- ☐ a. Service through the office of the Sheriff of Jackson County, Missouri, other than by certified mail.
- ☒ b. Service by an authorized Process Server, please send the Summons to undersigned attorney to forward to Process Server.
- ☐ c. Service by First Class mail by the undersigned litigant/attorney, who understands that the responsibility for obtaining service and effecting its return shall be on the attorney. The Receipt for service (green card) must be filed with the Clerk's office before service can be perfected.
- ☐ d. Service by certified mail service by the office of the Sheriff of Jackson County, State of Missouri. The undersigned understands that the responsibility of obtaining service and effecting its return shall be on the Sheriff.

_____ e. Return to the undersigned attorney for service.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson

DAVID L. JOHNSON #61867

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: dave.johnson@dmlawusa.com

ATTORNEY FOR PLAINTIFF

COURT: IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI AT KANSAS CITY		FOR COURT USE ONLY
PLAINTIFF/PETITIONER: SHERRY PHELPS		
DEFENDANT/RESPONDENT: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS		
AFFIDAVIT OF NON-SERVICE		CASE NUMBER: 2216-CV09707

Court Date: Court Time:
 CEDAR BROOK APARTMENTS, LLC DBA: CEDAR
 BROOKE APARTMENTS



I, **Richard Raymond**, depose and say that:

On **07/09/2022** at **4:33 PM**, I was unable to serve the within **SUMMONS IN CIVIL CASE; PETITION FOR DAMAGES; MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER AND ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER** on **CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS** at **1657 RIDGEWAY TRAIL, RA: SANDRA K LEE, Fenton, MO, 63026** for the reason(s) in the comments below:

Comments: **NON-EST**

Signed and sworn to before me on
 this 18 day of July, 2022

X
Richard Raymond
 816-912-3070

License(s): PPS22-0209
 Job#: **84518**

ID# 22-SMCC-5036






IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4600 MADISON AVE., STE 1200 KANSAS CITY, MO 64112
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

<p>The State of Missouri to: CEDAR BROOK APARTMENTS, LLC Alias: DBA: CEDAR BROOKE APARTMENTS RA: PARACORP INCORPORATED 222 E DUNKLIN STE 102 JEFFERSON CITY, MO 65101</p>	<p>PRIVATE PROCESS SERVER</p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p><u>11-AUG-2022</u> Date</p> <p><u>[Signature]</u> Clerk</p>
<p>COURT SEAL OF  JACKSON COUNTY</p>	<p>Further Information:</p>

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

SHERRY PHELPS

PLAINTIFF(S),

VS.

**CASE NO. 2216-CV09707
DIVISION 4**

**CEDAR BROOK APARTMENTS, LLC
DEFENDANT(S).**

NOTICE OF CIVIL CASE MANAGEMENT CONFERENCE

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **Justine E. Del Muro – Division 4** – on 16-DEC-2022 at 09:00 AM. All Case Management Conferences are held by Webex. Parties can join the Webex lobby using the following link: <https://mocourts.webex.com/meet/justine.delmuro>. Parties may appear in person.

At the Case Management Conference:

- Attorneys designated as lead counsel shall appear for case management.
- The parties shall be prepared to advise the court of the issues remaining for trial.
- The parties will be ordered to prepare a scheduling order to avoid the late filing of dispositive motions and allow full and open discovery. The parties will be asked to discuss mediation.
- The parties shall be prepared to set the matter for trial.
- All trial dates are specially set and therefore continuances will not be freely granted.
- Failure to appear for cases management may result in dismissal of the case.

DATE: SEPTEMBER 9, 2022

JUDGE JUSTINE E. DEL MURO

cc:

DAVID LAWRENCE JOHNSON, 4600 MADISON AVE., STE 1200, KANSAS CITY, MO 64112

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

SHERRY PHELPS,

Plaintiff(s),

vs.

CEDAR BROOK APARTMENTS, LLC,

Defendant(s),

)
)
)
)
)
)
)

Case No. 2216-CV09707

Division 4

CASE MANAGEMENT ORDER

Plaintiff appears by David Johnson.

Defendant has not been served and does not appear.

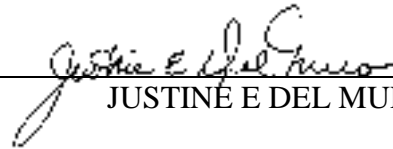
1. This case is reset for case management conference on December 16, 2022 in Division 4 at 9:00 a.m. by Webex.

OTHER ORDERS/DIRECTIVES:

Please use the link to join Webex: <https://mocourts.webex.com/meet/justine.delmuro>.

09-09-2022

DATE



JUSTINE E DEL MURO, JUDGE

Certificate of Service

This is to certify that a copy of the foregoing was hand delivered/faxed/emailed/mailed and/or sent through the eFiling system to the following attorneys of record on 09-09-2022.

DAVID LAWRENCE JOHNSON, Attorney for Plaintiff, 4600 MADISON AVE., STE 1200, KANSAS CITY, MO 64112

-, dave.johnson@dmlawusa.com



Law Clerk, Division 4

COURT: IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI AT KANSAS CITY		FOR COURT USE ONLY
PLAINTIFF/PETITIONER: SHERRY PHELPS		
DEFENDANT/RESPONDENT: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS		
AFFIDAVIT OF NON-SERVICE		CASE NUMBER: 2216-CV09707

Court Date: Court Time:
CEDAR BROOK APARTMENTS, LLC DBA: CEDAR
BROOKE APARTMENTS





I, **Joseph M. Powers**, depose and say that:

On **09/12/2022** at **11:11 AM**, I was unable to serve the within **SUMMONS IN CIVIL CASE; PETITION FOR DAMAGES** on **CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS** at **222 E DUNKLIN STE 102 , RA: PARACORP INCORPORATED , Jefferson City, MO, 65101** for the reason(s) in the comments below:

Comments: **NON-EST. NO ANSWER AT THE DOOR AFTER NUMEROUS ATTEMPTS.**

Signed and sworn to before me on
this 12th day of September, 2022.


Abby Powers- Public Notary

X 
Joseph M. Powers
816-912-3070
License(s): PPS22-0207
Job#: **85074**

ID# 22-SMCC-6885





IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4600 MADISON AVE., STE 1200 KANSAS CITY, MO 64112
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CEDAR BROOK APARTMENTS, LLC
Alias:
DBA: CEDAR BROOKE APARTMENTS

RA: PARACORP INCORPORATED
 222 E DUNKLIN STE 102
 JEFFERSON CITY, MO 65101

PRIVATE PROCESS SERVER

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

11-AUG-2022
Date


Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server
 (Seal)

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

SHERRY PHELPS)	
)	
Plaintiff,)	
)	
v.)	Case No. 2216-CV09707
)	
CEDAR BROOK APARTMENTS, LLC)	
(d/b/a CEDAR BROOKE APARTMENTS))	Division 4
)	
Defendant.)	

REQUEST FOR ALIAS SUMMONS

To: Clerk of the Court

The Clerk of the Court will issue a Summons for Service of the Petition on: Personal service upon **Defendant Cedar Brook Apartments, LLC (d/b/a Cedar Brooke Apartments), Leasing Office, 3100 Quail Creek Drive, Independence, MO 64055.**

You are hereby instructed to effect service of the Summons as follows:

- ☐ a. Service through the office of the Sheriff of Jackson County, Missouri, other than by certified mail.
- ☒ b. Service by an authorized Process Server, please send the Summons to undersigned attorney to forward to Process Server.
- ☐ c. Service by First Class mail by the undersigned litigant/attorney, who understands that the responsibility for obtaining service and effecting its return shall be on the attorney. The Receipt for service (green card) must be filed with the Clerk's office before service can be perfected.
- ☐ d. Service by certified mail service by the office of the Sheriff of Jackson County, State of Missouri. The undersigned understands that the responsibility of obtaining service and effecting its return shall be on the Sheriff.

_____ e. Return to the undersigned attorney for service.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson

DAVID L. JOHNSON #61867

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: dave.johnson@dmlawusa.com

ATTORNEY FOR PLAINTIFF



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4600 MADISON AVE., STE 1200 KANSAS CITY, MO 64112
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CEDAR BROOK APARTMENTS, LLC
Alias:
DBA: CEDAR BROOKE APARTMENTS

PRIVATE PROCESS SERVER

3100 QUAIL CREEK DRIVE
INDEPENDENCE, MO 64055

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

20-SEP-2022

Date

[Signature]
Clerk

Further Information:

Sheriff's or Server's Return

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☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

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Circuit Court of Jackson County

<p>COURT: IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI AT KANSAS CITY</p>	<p>FOR COURT USE ONLY</p>
<p>PLAINTIFF/PETITIONER: SHERRY PHELPS</p>	
<p>DEFENDANT/RESPONDENT: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS</p>	
<p>AFFIDAVIT OF SERVICE</p>	<p>CASE NUMBER: 2216-CV09707</p>

Court Date: Court Time:
**CEDAR BROOK APARTMENTS, LLC DBA: CEDAR
BROOKE APARTMENTS**



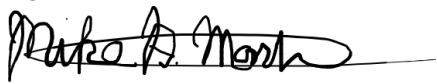
I, **Mike Martin**, depose and say that:

On **09/23/2022** at **10:19 AM**, I served the within **SUMMONS IN CIVIL CASE; PETITION FOR DAMAGES; MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER; ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER** on **CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS** at **3100 QUAIL CREEK DRIVE, Independence, MO, 64055** in the manner indicated below:

CORPORATE SERVICE By delivering a true copy of this process with a copy of the above mentioned papers (if any) to Nichole Irwin, AUTHORIZED TO ACCEPT of the above named entity and informing him/her of the contents.

Description of person process was left with:

Sex: **Female** - Skin: **White** - Hair: **Brown** - Age: **26** - Height: **5ft7in** - Weight: **170**

X 

Signed and sworn to before me on
this 26th day of September, 2022.

Mike Martin
816-912-3070
License(s): PPS22-0176
Job#: **85918**

ID# 22-SMCC-8316


Notary Public- Joseph Michael Powers





IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2216-CV09707
Plaintiff/Petitioner: SHERRY PHELPS	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4600 MADISON AVE., STE 1200 KANSAS CITY, MO 64112
Defendant/Respondent: CEDAR BROOK APARTMENTS, LLC DBA: CEDAR BROOKE APARTMENTS	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CEDAR BROOK APARTMENTS, LLC Alias: DBA: CEDAR BROOKE APARTMENTS 3100 QUAIL CREEK DRIVE INDEPENDENCE, MO 64055	PRIVATE PROCESS SERVER <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>20-SEP-2022 Date</p> <p>Further Information:</p>
--	--

COURT SEAL OF



JACKSON COUNTY

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- ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

(Seal)

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